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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,863	10/30/2003	Hiroyuki Nagano	024016-00072	6686
4372	7590	09/12/2008	EXAMINER	
ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			LEIVA, FRANK M	
			ART UNIT	PAPER NUMBER
			3714	
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			09/12/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com
IPMatters@arentfox.com
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Office Action Summary

Application No.

10/695,863

Applicant(s)

NAGANO, HIROYUKI

Examiner

FRANK M. LEIVA

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9,11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9,11 and 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgements

1. The examiner acknowledges claim amendments to claims 1, 2, 11 and 15 in applicant's submission filed 10 June 2008.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3, 5-9, 11 and 13-15 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "right under position of a fall position of the game medium falling toward the straddling member so that the game medium crosses a line passing through both support shafts" in claim 1, and "a pair of side walls outwardly projected from an outer wall of the tubular guiding part" of claim 15; must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-9, 11 and 13-15 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WMS 55x series slot machine manual July 2000, hereinafter "WMS 55x".

6. Regarding WMS 55x; The manual shows WMS's coin diverter chute (3) that is form in a square tubular shape, curved on top where the coin slides when the coil is de-energized and where the coins slide down the middle (inside) of the tube when the coil is energized. Showing in the diagram there are four holes used to guide and slide the part, and protruding bushings (4) to cut friction and stabilize movement.

7. **Regarding claims 1 and 15; WMS 55x discloses:** A gaming machine including:
A game medium insertion part through which a game medium is inserted in a cabinet, the game medium insertion part being provided in the cabinet, (Pages 1-17), showing a game cabinet and a coin comparator.
A game medium accumulating part for accumulating the game medium inserted from the game medium insertion part In the cabinet, (pages 1-17), showing a coin hopper.
A straddling device for straddling the game medium inserted from the game

medium insertion part to one of the game medium accumulating part and a game medium paying out part, (pages 1-17) showing a coin head entry on the door, and a coin diverter bracket (3) (fig. 3-6).

Wherein the straddling device includes; a straddling member rotatably supported in the cabinet, the straddling member having a first guiding part through which the game medium is guided to the game medium accumulating part and a second guiding part through which the game medium is guided to the game medium paying out part, (fig. 3-6), wherein the straddling member pivots on the diverter pins (7).

A driving device for rotating the straddling member; wherein the straddling member straddles the game medium to the game medium accumulating part through the first guiding part or to the game medium paying out part through the second guiding part, according to rotational state of the straddling member rotated by the driving device, (fig. 3-6), showing diverter coil assembly (8)(9).

A retaining member installed adjacent to the game medium guide member in the frame; and support shafts formed on both side walls of the straddling member so as to outwardly project from the side walls, the support shafts being rotatably supported in the retaining member, (fig. 3-6), part 18.

Wherein the support shafts are positioned at a substantially right under position of a fall position of the game medium falling toward the straddling member, so that the game medium crosses a line passing through both support shafts, (fig. 3-6).

A game medium guide member arranged in the frame, (pages 1-17).

8. **Regarding claims 1 and 15;** it is apparent to the examiner that WMS 55x manual shows all the limitations as anticipated, yet in the alternative any parts extending the part for the purpose of strengthening or attaching the part to the frame or housing, would have been obvious to one of ordinary skill in the art at the time of the invention. Metal parts added to an assembly must inherently have a method for holding

itself up or connecting to the assembly, and reinforcement of pivot points where stresses or friction may occur is also obvious.

9. **Regarding claim 2;** WMS 55x discloses wherein the driving device rotates the straddling member between a first rotational position and a second rotational position, wherein the straddling member straddles the game medium to the game medium accumulating part through the first guiding part while retained in the first rotational position by the driving device; and wherein the straddling member straddles the game medium to the game medium paying out part through the second guiding part while retained in the second rotational position by the driving device, (page 8, [5.]).

10. **Regarding claim 3;** WMS 55x discloses wherein the gaming machine comprises: a first guide path for guiding the game medium inserted from the game medium insertion part to the straddling device; a second guide path for guiding the game medium to the game medium accumulating part from the straddling device; and a third guide path for guiding the game medium to the game medium paying out part from the straddling device, (page 8, fig. 1-5).

11. **Regarding claim 5;** WMS 55x discloses wherein the first guiding part formed in the straddling member comprises a part of the second guide path when the straddling member is retained to the first rotational position, (fig. 3-6).

12. **Regarding claim 6;** WMS 55x discloses wherein the second guiding part formed in the straddling member comprises a part of the third guide path when the straddling member is rotated to the second rotational position, (fig. 3-6).

13. **Regarding claim 7;** WMS 55x discloses wherein the first guiding part of the Straddling member is constructed of a tubular guiding part formed in the straddling member, (fig. 3-6).

14. **Regarding claim 8;** WMS 55x discloses wherein the tubular guiding part of the straddling member closes an opening of the third guide path when the straddling member is retained to the first rotational position, (fig. 3-6).

15. **Regarding claim 9;** WMS 55x discloses wherein the tubular guiding part of the straddling member closes an opening of the second guide path when the straddling member is retained to the second rotational position, (fig. 3-6).

16. **Regarding claim 11;** WMS 55x discloses further comprising:
extension parts each of which is extended from the side wall of the straddling member;
connecting hole formed in the extension part; a magnetic solenoid with a movable rod, the magnetic solenoid being installed in the retaining member; and a connecting shaft for connecting an end of the movable rod and the connecting hole; wherein the straddling member is rotated around the support shafts by moving the movable rod to magnetize the magnetic solenoid, (fig. 3-6).

17. **Regarding claim 13;** WMS 55x discloses a detecting device (20) for detecting whether the game medium is true or not, the detecting device being installed in the retaining member; wherein the straddling member is retained to the first rotational position by the driving device when the detecting device detects that the game medium is true, and wherein the straddling member is retained to the second rotational position by the driving device when the detecting device detects that the game medium is not true, (fig. 3-6) item 20).

18. **Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over K-564 as applied to claim 1 above, and further in view of Official Notice.**

19. **Regarding claim 14;** WMS 55x discloses wherein the straddling member is made of light hard synthetic resin material and is formed into one- piece construction, the examiner takes OFFICIAL NOTICE that the material of this product would be mainly

design choice, from experience this diverter plate has been made of plastic by IGT on the first PE+ models and WMS makes it of metal for their 55x slots.

20. **Examiner's Note:** Examiner has cited paragraphs and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **FRANK M. LEIVA** whose telephone number is (571)272-2460. The examiner can normally be reached on **M-Th 9:30am - 5:pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714

FML

08/05/2008.